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7 REBECCA SCHWARTZ,
8 Plaintiff,
9 v.
10 BEIERSDORF, INC.,
11 Defendant.

Case No. [24-cv-04394-AMO](#)

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28 **ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
PURSUANT TO RULE 25(a)(1)**

On May 27, 2025, Plaintiff's counsel filed and served a notice of death of Named Plaintiff Rebecca Schwartz. ECF 48. In the notice, Plaintiff's counsel reserved the right to file a motion for substitution within the time permitted by Federal Rule of Civil Procedure 25(a)(1). *Id.* at 2. Rule 25(a)(1) provides:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1). Based on the date Plaintiff's counsel filed and served the notice of death, it appears that the 90-day period provided for in the rule has elapsed without Plaintiff's counsel filing a motion for substitution.

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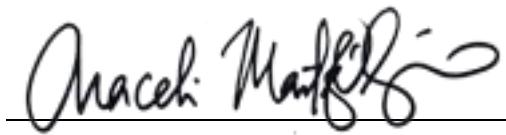
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1 Accordingly, the Court orders Plaintiff's counsel to show cause why this case should not
2 be dismissed pursuant to Rule 25(a)(1). Plaintiff's counsel shall file a response, of no more than
3 three pages, to this order to show cause by no later than noon on September 8, 2025. Defendant
4 may file a response of equal length by that same deadline.

5 **IT IS SO ORDERED.**

6 Dated: September 2, 2025

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ARACELI MARTÍNEZ-OLGUÍN
United States District Judge